



FORM PTO-1449/A and B (modified PTO/SB/08)

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICATION NO.: 10/789,051

ATTY. DOCKET NO.: C1039.70083US06

FILING DATE: February 26, 2004

CONFIRMATION NO.: 8295

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: O. Ogunbiyi

Sheet

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of

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## U.S. PATENT DOCUMENTS

Examiner's initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
/00/		5,658,891		Draper et al.	08-19-1997
		5,665,580		Crooke et al.	09-09-1997
		5,681,944		Crooke et al.	10-28-1997
		5,843,770		Ill et al.	12-01-1998
		5,854,418		Chang et al.	12-29-1998
		5,858,987		Beer-Romero et al.	01-12-1999
		5,985,662		Anderson et al.	11-16-1999
		6,107,062		Hu et al.	08-22-2000
		6,114,167		Symonds et al.	09-05-2000
		7,157,437	B2	Van Nest	01-02-2007
		2006-0264391	A1	Van Nest	11-23-2006
		2007-0037767	A1	Bratzler et al.	02-15-2007
		2007-0065467	A1	Krieg et al.	03-22-2007
		2007-0066553	A1	Krieg et al.	03-22-2007
		2007-0066554	A1	Krieg et al.	03-22-2007
		2007-0078104	A1	Krieg et al.	04-05-2007
		2007-0129320	A9	Davis et al.	06-07-2007
		2007-0142315	A1	Forsbach et al.	06-21-2007
		2007-0184465	A1	Wagner et al.	08-09-2007
		2007-0202128	A1	Krieg et al.	08-30-2007
		2007-0224210	A1	Krieg et al.	09-27-2007
		2007-0232622	A1	Lipford et al.	10-04-2007
		2007-0129320	A9	Davis et al.	06-07-2007
		2007-0142315	A1	Forsbach et al.	06-21-2007
		2007-0184465	A1	Wagner et al.	08-09-2007
		2007-0202128	A1	Krieg et al.	08-30-2007
		2007-0224210	A1	Krieg et al.	09-27-2007
		2007-0232622	A1	Lipford et al.	10-04-2007

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DATE CONSIDERED:

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FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/789,051		ATTY. DOCKET NO.: C1039.70083US06	
				FILING DATE: February 26, 2004		CONFIRMATION NO.: 8295	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: O. Ogunbiyi	
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**FOREIGN PATENT DOCUMENTS**

Examiner's initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's initials #	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
/00/		BRANDA et al., B-cell proliferation and differentiation in common variable immunodeficiency patients produced by an antisense oligomer to the rev gene of HIV-1. Clin Immunol Immunopathol. 1996 May;79(2):115-21.	
		JACOBSON et al., Early viral response and on treatment response to CpG 10101 (ACTILON™), in combination with pegylated interferon and/or ribavirin, in chronic HCV genotype 1 infected patients with prior relapse response. 57 <sup>th</sup> Annual Meeting of American Association for the Study of the Liver Diseases (AASLD). 2006 Oct 30, Boston, Massachusetts; Presented Abstract #96.	
		McHUTCHISON et al., Early viral response to CpG 10101, in combination with pegylated interferon and/or ribavirin, in chronic HCV genotype 1 infected patients with prior relapse response. 41 <sup>st</sup> Annual Meeting of European Association for the Study of the Liver (EASL). 2006 April 26-30, Vienna, Austria; Submitted Abstract.	
		McHUTCHISON et al., Final results of a multi-center phase 1B, randomized, placebo-controlled, dose-escalation trial of CpG 10101 in patients with chronic hepatitis C virus. 41 <sup>st</sup> Annual Meeting of European Association for the Study of the Liver (EASL). 2006 April 30, Vienna, Austria; Presented Abstract #111.	
		McHUTCHISON et al., Early clinical results with CpG 10101, a new investigational antiviral TLR9 agonist being developed for treatment of subjects chronically infected with hepatitis C virus. 12 <sup>th</sup> International Symposium on Viral Hepatitis and Liver Disease (ISVHLD). 2006 July 3, Paris, France; Presented Abstract #O105.	
		YAMAMOTO, Cytokine production inducing action of oligo DNA. Rinsho Meneki. 1997; 29(9): 1178-84. Japanese.	Yes
	*	Patent Interference No. 105,526. Krieg Substantive Motion 1 (for unpatentability based on interference estoppel). (Electronically filed, unsigned).	
	*	Patent Interference No. 105,526.. Krieg Substantive Motion 2 (for judgment based on inadequate written description and/or enablement). (Electronically filed, unsigned). June 18, 2007.	
	*	Patent Interference No. 105,526. Krieg Contingent Responsive Motion (to add new claims 104 and 105). (Electronically filed, unsigned). July 25, 2007.	
✓	*	Patent Interference No. 105,526. Krieg Substantive Motion 3 (for judgment based on prior art). (Electronically filed, unsigned). June 18, 2007.	

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				FILING DATE: February 26, 2004	CONFIRMATION NO.: 8295
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1645	EXAMINER: O. Ogunbiyi
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/00/	*	Patent Interference No. 105,526. Raz Motion 1 (Unpatentability of Krieg Claims under 35 U.S.C. § 112, First Paragraph). (Electronically filed, unsigned). June 18, 2007.	
/00/	*	Patent Interference No. 105,526. Raz Motion 2 (Raising a Threshold Issue of No Interference-in-Fact). (Electronically filed, unsigned). June 18, 2007.	
	*	Patent Interference No. 105,526.. Raz Motion 3 (Krieg's Claims are Unpatentable Over Prior Art Under 35 U.S.C. § 102(b)) (Electronically filed, unsigned). June 18, 2007.	
	*	Patent Interference No. 105,526. Raz Motion 4 (To Designate Krieg Claims 46 and 82-84 as Corresponding to Count 1). (Electronically filed, unsigned). June 18, 2007.	
	*	Patent Interference No. 105,526. Raz Responsive Miscellaneous Motion 5 (To revive the Raz Parent Application) (Electronically filed, unsigned) July 25, 2007.	
	*	Patent Interference No. 105,526. Raz Contingent Responsive Motion 6 (To Add a New Claim 58) (Electronically filed, unsigned) July 25, 2007.	
	*	Patent Interference No. 105,526. Krieg Opposition 1 (Opposition to Motion for Lack of Enablement and Written Description) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Krieg Opposition 2 (to Raz Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Krieg Opposition 3 (To Raz Motion 3) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Krieg Opposition 4 (Opposition to Motion for Designating Claims 46 and 82-84 as Corresponding to the Court) (Electronically filed, unsigned) September 10, 2007.	
		Patent Interference No. 105,526. Krieg Opposition 6 (Opposition to Raz Contingent Responsive Motion 6) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Raz Opposition 1 (Opposing Krieg Substantive Motion 1) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Raz Opposition 2 (Opposing Krieg Substantive Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Raz Opposition 4 (Opposing Krieg Contingent Responsive Motion to Add New Claims 104 and 105) (Electronically filed, unsigned) September 10, 2007.	
	*	Patent Interference No. 105,526. Krieg Reply 1 (Reply to Raz opposition 1) October 5, 2007	
	*	Patent Interference No. 105,526. Krieg Reply 2 (Reply to Raz opposition 2) October 5, 2007	
	*	Patent Interference No. 105,526. Krieg Reply 4 (Reply to Raz opposition 4) October 5, 2007	
	*	Patent Interference No. 105,526. Raz Reply 1 (Reply to Krieg opposition 1) October 5, 2007	
	*	Patent Interference No. 105,526. Raz Reply 2 (Reply to Krieg opposition 2) October 5, 2007	
	*	Patent Interference No. 105,526. Raz Reply 3 (Reply to Krieg opposition 3) October 5, 2007	
	*	Patent Interference No. 105,526. Raz Reply 4 (Reply to Krieg opposition 4) October 5, 2007	
	*	Patent Interference No. 105,526. Raz Reply 6 (Reply to Krieg opposition 6) October 5, 2007	

copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/690,495, filed October 21, 2003, and relied on for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

OTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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Used in Lieu of PTO/SB/08A/B  
(Based on PTO 04-07 version)

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>	
				Application Number	10/789,051-Conf. #8295
				Filing Date	February 26, 2004
				First Named Inventor	Arthur M. Krieg
				Art Unit	1645
				Examiner Name	O. A. Ogunbiyi
Sheet	1	of	1	Attorney Docket Number	C1039.70083US06

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/00/		PRESS RELEASE, Coley Pharmaceutical Group, Inc. Coley Pharmaceutical Group Announces Pfizer's Discontinuation of Clinical Trials for PF-3512676 Combined with Cytotoxic Chemotherapy in Advanced Non Small Cell Lung Cancer, June 20, 2007	
/00/		PRESS RELEASE, Coley Pharmaceutical Group, Inc., Coley Pharmaceutical Group Updates Hepatitis C Drug Development Strategy, January 22, 2007	
/00/		KRIEG, A., Development of TLR9 agonists for cancer therapy. J. Clin. Invest.. 2007 May, 117(5): 1184-1194	
/00/		KRIEG, A., Antiinfective Applications of Toll-like Receptor 9 Agonists. Proc Am Thorac Soc. 2007, 4; 289-294	
/00/		SFONDRINI, L. et al. Prevention of spontaneous mammary adenocarcinoma in HER-2/neu transgenic mice by foreign DNA. FASEB Journal. 2002, Nov. 16;1749-1754	
/00/		SMITH J. and WICKSTROM E. Antisense c-myc and Immunostimulatory Oligonucleotide Inhibition of Tumorigenesis in a Murine B-Cell Lymphoma Transplant Model. J. Natl Cancer Inst. 1998 Aug 5. 90(15); 1146-1154.	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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